

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**KEITH DIERINGER and CATHARINA  
DIERINGER,**

Plaintiffs,

v.

**RONALD-KENNETH: STRASSER,**

Defendant.

Case No. 3:19-cv-1957-SB

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on December 5, 2019. ECF 3. Magistrate Judge Beckerman, after conducting a *sua sponte* review, recommended that this case be remanded to the state court for lack of subject matter jurisdiction. Defendant Strasser had removed this state court landlord-tenant eviction case to federal court.

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate judge’s recommendations for “clear error on the face of the record.”

Defendant timely filed an “incomplete” objection, although Defendant also filed a “demand” (without filing a motion) for additional time to obtain evidence of whether Magistrate Judge Beckerman had proper legal authority and “evidence of a Federal takeover of Oregon connected to the Civil War and/or the Great Depression and/or the Oregon Constitutional Amendments of 1910 . . . to prove federal jurisdiction.”). The Court denied the “demand” for more time and required Defendant to file a motion to extend court deadlines. No such motion was filed.

Defendant’s objections include only nonsensical arguments such as that the “OR” as listed in Plaintiff’s complaint in the subject address of the eviction, “9915 SE Foster Rd., Rm. B,

Portland, OR 97266,” is not a reference to the state of Oregon but is “a Federal region which is administered under some variety of Emergency Rule or Martial Law.” Defendant also asserts that he is not a citizen of any state but is instead is “subject to the state of nature,” and thus he asserts diversity jurisdiction. These arguments are all rejected. After a *de novo* review, the Court ADOPTS Judge Beckerman’s Findings and Recommendation.

Defendant also filed a “Notice and Demand to Alter or Amend Order on Incomplete Objection to Magistrate’s Findings and Recommendation Dated 12/5/2019, Pursuant to F.R.C.P. 59(e).” Because no judgment has been entered, this motion is one under Rule 60, not Rule 59(e). Defendant questions whether the undersigned judge is “properly in office” and demands more time to obtain the evidence regarding Judge Beckerman and the federal takeover of the state of Oregon. This motion is denied.

The Court **ADOPTS** Magistrate Judge Beckerman’s Findings and Recommendation, ECF 3. This case is REMANDED to the Circuit Court of the State of Oregon for the County of Multnomah. The Clerk of the Court is directed to send the file in this case to the Clerk of the Multnomah County Circuit Court. Defendant’s motion for reconsideration, ECF 10, is DENIED.

**IT IS SO ORDERED.**

DATED this 15th day of January, 2020.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge